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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 TKIAK WIE WONG,
12 Petitioner,
13 v.
14 D. SAMUEL,
15 Respondent.
16

No. 2:22-CV-1968-DMC-P

ORDER

17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of
18 habeas corpus under 28 U.S.C. § 2254.

19 Before the Court is Petitioner's request, ECF No. 3, that this action be
20 consolidated with Wong v. Samuel, No. 2:22-CV-1839-CKD. Petitioner states that the actions
21 are duplicative and that the filing of the instant action resulted from confusion regarding
22 submission of filing fees. In this regard, the Court notes that the instant action was opened with a
23 notation that fees were paid. Fees are unresolved in the earlier action pending before Judge
24 Delaney.

25 Good cause appearing therefor, the Court construes Petitioner's request as a notice
26 of voluntary dismiss of the instant action as duplicative of the earlier action. So construed, the
27 instant action will be dismissed as duplicative on Petitioner's notice. See Fed. R. Civ. P.
28 41(a)(1)(A)(i). Because Petitioner paid the filing fees for this action, which is being dismissed,

the Court will direct that those fees be applied to satisfy the filing fee requirement in Wong v. Samuel, No. 2:22-CV-1839-CKD.

Accordingly, IT IS HEREBY ORDERED that:

1. This action is dismissed on Petitioner's notice;
2. The Clerk of the Court is directed to update the docket in Wong v. Samuel, No. 2:22-CV-1839-CKD, to reflect that fees have been paid pursuant to the receipt of filing fees in the instant action being dismissed; and
3. The Clerk of the Court is further directed to close this file.

Dated: November 22, 2022



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE